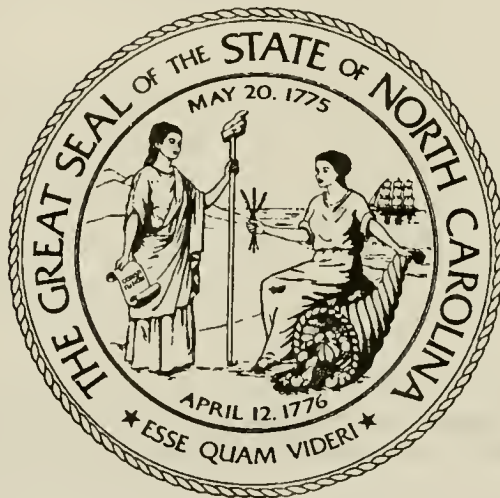


LEGISLATIVE RESEARCH COMMISSION

HUNTER'S SAFETY AND WILDLIFE



REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
1989 SESSION

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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



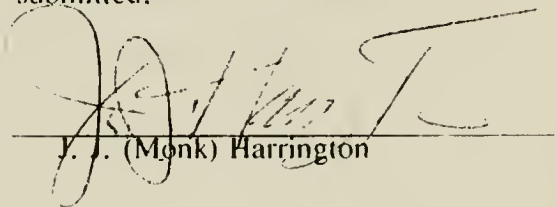
December 14, 1988

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on hunter's safety and wildlife. The report was prepared by the Legislative Research Commission's Committee on Hunter's Safety/Wildlife pursuant to Section 2.1 of Chapter 873 of the 1987 Session Laws.

Respectfully submitted,


Liston B. Ramsey


J. J. (Monk) Harrington

Cochairmen
Legislative Research Commission

1987-1988

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

Speaker of the House of
Representatives
Liston B. Ramsey, Cochair

Rep. John T. Church

Rep. Bruce Ethridge

Rep. Aaron Fussell

Rep. Vernon James

Rep. Josephus Mavretic

President Pro Tempore of
the Senate
J. J. Harrington, Cochair

Senator Henson P. Barnes

Senator A. D. Guy

Senator R. L. Martin

Senator James Richardson

Senator Lura Tally

PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1987 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co chairs of the Legislative Research Commission, under the authority of G.S. 120.30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairs, one from each house of the General Assembly, were designated for each committee.

The study of Hunter's Safety/Wildlife was authorized by Section 2.1(47A) of Chapter 873 of the 1987 Session Laws (1987 Session). The relevant portions of Chapter 873 are included in Appendix A. The Legislative Research Commission grouped this study in its animals area under the direction of Senator R.L.Martin. The Committee was chaired by Senator William Barker and Representative J. Paul Tyndall. The full membership of the Committee is listed in Appendix C of this report. A

committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The Hunter's Safety/Wildlife Study Committee met five times prior to issuing this final report: January 21, 1988; March 7, 1988; May 5, 1988; September 29, 1988; and November 15, 1988.

January 21, 1988 Meeting

The Committee held its initial meeting on January 21, 1988. The Committee reviewed House Bill 1716, which was introduced by Representative Tyndall during the 1987 Session (Appendix B). The Committee decided to address the issues outlined in House Bill 1716 as part of its responsibilities.

Charles Fullwood, Executive Director of the N.C. Wildlife Resources Commission, spoke to the Committee regarding the apparent success of the recent requirement that big game hunters wear blaze orange. He indicated a record low number of fatalities since the requirement became effective. Fullwood expressed a concern about hunting from the roadside right of way, and stated that the lack of uniform regulation has resulted in complaints from the general public. There are currently sixty-six different county ordinances on roadside hunting. Fullwood also indicated that several landowners have complained that hunters frequently do not obtain permission to hunt on their lands.

Captain W.B. Pate, North Carolina Wildlife Resources Commission, reported on the existing Hunter's Safety Course. The Course includes general safety, wildlife identification, wildlife management, regulations, hunter survival, first aid, and hunter ethics and attitudes. The program began in 1972 with a four-hour course of study, and currently requires ten hours for certification. The minimum age for certification under the Hunter Safety Course is twelve years. The program is designed for all age groups, and may be offered through public schools or civic groups. There are nine staff members and 1100 certified volunteers who teach the course. Range training is a part of the program, and is completed by approximately 75% of the students who take the hunter safety course. There is no charge to students who take the course, funding comes from federal and state appropriations, and from licensing fees. Between 18,000 and 27,000 students per year receive instruction in hunter safety.

Fred Edgecombe, National Rifle Association, indicated that the NRA would like to be involved in the legislative process, and shared concerns regarding firearm safety in the home, the public road right of way and enforcement problems in existing laws.

Michael Corcoran, North Carolina Wildlife Federation, encouraged the Committee to address roadside hunting, mandatory hunter safety training, and a uniform requirement for written permission to hunt on the lands of another. Corcoran indicated that the Wildlife Federation had surveyed members and potential members of the Federation, 65% of whom were hunters. The survey showed that 73% of the respondents were in favor of a mandatory hunter safety course for first time buyers of hunting licenses.

Senator Barker initiated a discussion on waterfowl hunting. According to the Wildlife Resources Commission, there are eleven field sanctuaries which will be leased from farmers for the next hunting season. The project is financed through the sale of waterfowl stamps. The Commission is evaluating the prospect of the State purchase of field sanctuaries, and of raising ducks to increase the duck population.

March 7, 1988 Meeting

At its second meeting, on March 7, 1988, the Committee heard from Representative Ed Bowen, who spoke regarding his intention to introduce or support a bill that would prohibit the use of rifles in roadside hunting. He asked for comments from the Committee regarding the issue. Senator Barker indicated that roadside hunting is currently regulated by local legislation and the various county commissions. The Committee suggested that Representative Bowen have a proposed draft prepared and sent to the Committee for its consideration.

Senator Daniel indicated that a public hearing in his district revealed overwhelming support for mandatory hunter safety education for first time buyers of hunting licenses. At his suggestion, the Committee requested that the Wildlife Resources Commission conduct a feasibility study of firearm training centers. June Enderly of Raleigh reported that Wake County Commissioners are considering establishing a firearm training range in Wake County. The Committee considered the possibility of offering the classroom portion of the hunter safety course through the community college system, but Representative Tyndall reminded the Committee that persons under age sixteen cannot enroll in courses at community colleges.

Poindexter Watts, faculty member at the Institute of Government, presented background information on the trespass laws in this State. Representative Hightower reported that the local bill he had introduced prohibiting roadside hunting and hunting on property without landowner permission had received good response in his area. Tom Ellis, Committee member, distributed copies of the Vance County trespass law which he believed could be used as a model for statewide legislation.

Conrad Purvis, Friends of the Roanoke River Basin, spoke in opposition to the proposed Roanoke River National Wildlife Refuge. Mr. Purvis urged the Committee to recommend to the Wildlife Resources Commission and the Governor that the project be opposed.

Charles Fullwood, Director of the Wildlife Resources Commission, reported on the results of the nine public hearings held across the State in February. Of the persons attending the hearings, 85-90% voiced support for some form of hunter safety course for first time buyers of hunting licenses.

Hal Atkinson, Wildlife Resources Commission, spoke to the Committee regarding the status of Canadian Geese in this State. He indicated that the decline in population is due, in part, to improved feeding in northern areas of the country and to earlier hunting seasons in northern states. Tom Monsheen, also with the Wildlife Resources Commission,

provided information to the Committee regarding the Waterfowl Management Project and the Canadian Goose Management Project. The Commission is considering for the future a demonstration area for research and study in Hyde County.

Representative Tyndall asked that the Committee look at the possibility of the purchase of Lukens Island by the State. Lukens Island is an undeveloped tract in Carteret County which contains a number of quail, deer and duck as well as black bears, rare woodpeckers and possibly a species of cat. The Weyerhaeuser Company currently owns 9,455 acres of Lukens, and is apparently interested in selling its holdings.

May 5, 1988 Meeting

At its third meeting, on May 5, 1988, the Committee heard from Larry Hindman of the Department of Natural Resources for the State of Maryland. Mr. Hindman described the Maryland Waterfowl Program, which was initiated by the Maryland legislature in 1974. The program has three components as follows:

1. One-half of the revenue from the Maryland Duck Stamp, approximately \$190,000, is used to support waterfowl habitat work on public lands in the State.
2. The remaining one-half of the Duck Stamp revenue, approximately \$190,000, is used to finance the Duck Release Program, which has been fairly controversial both in the State of Maryland and in the nation. The program began in 1974, and since that time nearly 250,000 mallards have been released in the state. Birds are acquired from producers in other states and are currently being released at seven weeks of age. They have determined that seven week old birds are more cost effective because of their size and weight. A sample of the birds are banded before release, and the population is monitored. Approximately 12% of the birds released are recovered during the hunting season. During the past two years, approximately 40,000 mallards have been released per year, but the figure is expected to decrease next year, due to funding. The cost per bird for release purposes is \$5, including shipping costs.
3. A tax credit is allowed for private landowners who submit approved waterfowl management plans to the State of Maryland and enter into a ten-year licensing agreement with the state. Currently, there are 16,000 acres of private lands in this program.

Mr. Hindman expressed the opinion that State funds would be better spent on habitat development, and that a duck release program is a short term solution to a long-term problem. However, should North Carolina decide to institute a duck release program, he recommends purchasing birds at four to seven weeks of age.

Poindexter Watts, of the Institute of Government, returned to present to the Committee a draft of trespass legislation which would prohibit hunting or fishing on private land without oral permission of the landowner obtained within the previous twelve months. The

draft included a penalty/restitution provision, with the damages to be determined by a judge, and provided for enforcement by wildlife protectors and other law enforcement officers. Trapping was not included in the draft legislation because current trapping laws require written permission carried by the trapper while on the property. After some discussion by the Committee, Senator Barker requested that the draft be amended to include the defense of mistake of fact, and that before the Committee consider adoption of the draft copies be distributed to hunters, wildlife groups, appropriate landowners and sporting groups.

Patricia Yancey, legislative liaison for the Department of Public Instruction, responded to the Committee's request for input from the Department and the State Board of Education regarding whether the hunter safety course should be offered through the public school system. Ms. Yancey presented the request that the Committee not ask public schools to take on this responsibility, as the school curriculum is already filled with course requirements. However, she indicated that the hunter safety course may be chosen by any local school system as an elective, and that local school unit funds are currently being used in some areas for the hunter safety course. The Wildlife Resources Commission indicated that they are currently reaching 20% of the ninth graders in this State through their hunter safety course. In response to an inquiry by Senator Daniel, Ms. Yancey indicated that a hunter safety course should not be a part of the Basic Education Plan, as the Plan is more academic in nature and the number of curriculum hours is limited. The Committee will work with the Department of Public Instruction and Wildlife Resources Commission in reaching a determination of how the hunter safety course will be offered to students.

September 29, 1988 Meeting

At its fourth meeting, on September 29, 1988, the Committee reviewed the issues which had been raised during prior meetings. Senator Barker reported that he had met with representatives of 75% of the hunt clubs in Carteret, Craven and Pamlico counties. The hunters present were supportive of a voluntary hunter safety education program, but leery of a mandatory program with further State regulation. One suggestion was for a discount on the first license for those who complete a hunter safety course, and an additional surcharge for those who failed to obtain certification. Representative Tyndall suggested the use of police training ranges for range training in the firearm safety component of the course. The Committee requested that draft legislation be prepared which would require satisfactory completion of a hunter safety course for any first time buyer of a hunting license, regardless of the age of the hunter. The proposal would provide for the course to be offered in the public school system as an elective in the same manner in which driver education is available.

Charles Fullwood, Director of the Wildlife Resources Commission, recommended that the Committee endorse habitat protection for waterfowl rather than initiate a duck release program. Fullwood indicated that the Wildlife Resources Commission had not taken a position on the Roanoke River National Wildlife Refuge, though they had heard from both sides.

Fullwood reported that the Wildlife Resources Commission supports keeping Lukens Island in the gamelands program, but they have no funds for purchasing it at this time. Representative Tyndall reported that the Weyerhaeuser Company is willing to negotiate the sale of Lukens Island to the State. Mike Corcoran, of the Wildlife Federation, voiced the organization's support of the acquisition of the island for public hunting. The Committee discussed issues regarding acquisition, including the costs involved and the fact that the State should have a plan for utilization and management of the property prior to purchasing it.

Mr. Fullwood indicated that legislation had been proposed in 1975 regarding roadside hunting, but that it had failed. The sixty-six local laws regulating roadside hunting result in confusion to hunters, and the Wildlife Resources Commission sees the need for some uniformity in the regulations. The Committee discussed the concerns that may be felt by the traveling public when they see people standing on the roadside with firearms, and the Wildlife Federation expressed the need for hunters to police themselves in order to avoid a total restriction based upon a negative perception by the public.

Representative Hightower asked the Committee to consider the issue of hunting while impaired. He pointed out the impaired boating law which is similar to the motor vehicle law, and suggested that the Committee consider legislation which would prohibit the use of firearms by a person who is impaired. This raised the issue of full law enforcement status for wildlife protectors, which was scheduled to be discussed at the next meeting of the Committee.

November 15, 1988 Meeting

At its fifth and final meeting on November 15, 1988, the Committee reviewed and adopted recommendations and draft legislation for its final report. Mr. Myron Cross of the Onslow/Jacksonville Deer Club requested that the Committee consider the issue of hunting on Sunday. Mr. Cross was advised to take up the matter with legislators in his district who might better assess the feasibility of introducing legislation in that regard.

FINDINGS AND RECOMMENDATIONS

After reviewing current wildlife laws and hearing comments from the Wildlife Resources Commission, the N.C. Wildlife Federation, and various other wildlife organizations and hunting groups, the Committee makes the following recommendations and presents a draft bill for consideration.

Recommendation #1. MANDATORY HUNTER SAFETY COURSE

The N.C. Wildlife Resources Commission currently offers a ten-hour course of study which includes information on general hunter safety, wildlife identification, wildlife management, regulations, hunter survival, first aid and hunter ethics and attitudes. Range training is a part of the program, and is completed by approximately 75% of the students who take the course. The minimum age for certification is twelve years, and the course is designed for all age groups. There are nine staff members and 1100 volunteers who teach the course through public schools and civic groups, at no charge to participants. While there have been a significant number of persons taking the course on a voluntary basis, surveys by the Wildlife Resources Commission and the N.C. Wildlife Federation have indicated strong support at the local level for a mandatory safety course.

The Committee presents a draft bill which would require that all first time buyers of hunting licenses in this State submit proof of completion of a course in hunter safety. The course must be one which is approved by the Wildlife Resources Commission, and may be taught by employees of the Commission, or by certified instructors through organizations approved by the Commission. The Committee further recommends that the hunter safety course be offered in the public school system as an elective course, in the same manner in which driver education is currently offered.

Recommendation #2. PROHIBIT HUNTING WITH DEADLY WEAPONS WHILE IMPAIRED

As defined in G.S. 113-130, to hunt is to take wild animals or wild birds and would include all operations during, immediately preparatory, and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt, or otherwise harm or reduce to possession any fisheries resources or wildlife resources. In the interest of public safety, the Committee recommends legislation which would prohibit hunting with deadly weapons on gamelands while impaired, using the same standard for impairment as contained in the motor vehicle laws. The Committee further recommends that the penalty for such violation carry an automatic one year suspension of hunting license, unless the judge rules otherwise.

Recommendation #3.
STATE PURCHASE OF LUKENS ISLAND

Lukens Island is an undeveloped tract in Carteret County, and is in the State gamelands program. It is a popular spot for hunters in the area, and contains a number of quail, deer and duck as well as black bears, rare woodpeckers and possibly a rare species of wildcat. The Weyerhaeuser Company now owns over 9,000 acres of Lukens, and is apparently interested in selling its holdings.

The Committee recommends an appropriation of funds to the Wildlife Resources Commission for the purchase of Lukens Island, contingent upon the development of an appropriate plan for utilization and management of the property.

Recommendation #4.
FULL LAW ENFORCEMENT AUTHORITY FOR WILDLIFE PROTECTORS

G.S. 113-136 sets out the enforcement authority of wildlife protectors, which includes matters within the jurisdiction of the Department of Natural Resources and the Wildlife Resources Commission. Such matters include boating and water safety, hunting and trapping, fishing and activities in woodlands and on inland waters. In addition, protectors are authorized to arrest for felonies, for breaches of the peace, for assaults upon them or in their presence, and for other offenses "evinced a flouting of their authority as enforcement officers or constituting a threat to public peace and order which would tend to subvert the authority of the State if ignored."

Because of the continuing concern for public safety, and the potential for delay caused in getting fully authorized peace officers to the scene, the Committee recommends the General Assembly enact a bill granting full law enforcement authority to wildlife protectors.

Recommendation #5.
UNIFORM REGULATION OF ROADSIDE HUNTING

There are currently some sixty six different local laws regulating roadside hunting. The Wildlife Resources Commission reports that the lack of uniform regulation has resulted in complaints from the general public, and is a source of confusion for hunters. There is a clear need for uniformity in the regulations.

The Committee recommends statewide legislation to regulate hunting on the roadside right of way, and recommends that the Wildlife Resources Commission develop appropriate recommendations for such legislation.

Recommendation #6.
PROHIBIT TRESPASSING TO HUNT OR FISH

The Wildlife Resources Commission reports that several landowners have complained that hunters frequently do not obtain permission to hunt on their lands. Article 21A of Chapter 113 of the General Statutes contains provisions which regulate hunting and fishing on the registered property of another. The registration process is reported to be burdensome both to landowners and to the Wildlife Resources Commission because of the paperwork involved in the registration and posting process. Article 22A of Chapter 14 of the General Statutes prohibits trespassing upon posted property to hunt, fish or trap without the written consent of the landowner, and requires that the landowner post notices in conformance with the statute. Wildlife officers may serve process, but are not authorized to make arrests. G.S. 14-159.13 provides that a person commits the offense of second degree trespass if he enters or remains on premises that are posted, or if he has been notified not to enter or remain there by the owner or other person in charge of the premises. Wildlife officers have no enforcement authority under this section.

The Committee found that landowners who attempt to prevent trespass by unauthorized persons hunting or fishing are faced with the continuing expense and burden of complying with posting requirements, and that wildlife officers, while most likely to detect instances of trespassing to hunt or fish, in many circumstances do not have enforcement authority. The Committee recommends that the 1989 General Assembly examine and revise existing trespass law to prevent poaching of wildlife and to enhance the management of wildlife in this State. Since the majority of hunters and fishermen are conscientious sportsmen, the Committee further recommends that care be taken not to abuse such persons.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA 1987 SESSION RATIFIED BILL

CHAPTER 873 HOUSE BILL 1

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO AMEND STATUTORY LAW.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Study Commissions and Committees Act of 1987."

. . .

PART II. -- LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1987 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

(47A) Hunter's Safety/Wildlife Study.

. . .

Sec. 2.6. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation to the 1989 General Assembly.

. . .

— EFFECTIVE DATE

Sec. 31. This act is effective on July 1, 1987.

APPENDIX B

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1987

H

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HOUSE BILL 1716*

Short Title: Hunter Safety Study Commission.

(Public)

Sponsors: Representatives Tyndall; Barbee, Bowen, B. Brown, J. Brown, Burke, Colton, Cooper, Craven, DeVane, Bob Etheridge, Foster, Hardaway, Hightower, Kerr, Lilley, Murphy, Nye, Rogers, Tart, R. Thompson, Watkins.

Referred to: Appropriations.

May 25, 1987

A BILL TO BE ENTITLED

AN ACT TO CREATE A STUDY COMMISSION ON HUNTER SAFETY
AND OUTDOOR ETHICS, AND TO PROVIDE FUNDS FOR ITS
ACTIVITIES.

The General Assembly of North Carolina enacts:

Section 1. There is created the North Carolina Study Commission
on Hunter Safety and Outdoor Ethics to consider the feasibility of:

- (1) Mandatory hunter safety and education training;
- (2) Statewide legislation relating to hunting from the rights-of-way of public roads;
- (3) Statewide legislation to prohibit trespass by hunters and fishermen without landowner permission; and
- (4) Other matters relating to wildlife referred to it by the General Assembly.

. . .

APPENDIX C

MEMBERSHIP OF LRC COMMITTEE ON HUNTER'S SAFETY/WILDLIFE

Pres. Pro Tem's Appointments

Sen. William H. Barker, Cochair
Post Office Box 1339
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Mr. Thomas W. Ellis, Jr.
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Sen. J. K. Sherron, Jr.
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Raleigh, NC 27609
(919) 781-8721

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(919) 733-2578

Clerk: Ms. Mary Tyson
(919) 733-5804 (O)
(919) 365-9861 (H)

LRC Member: Sen. R. L. Martin

Speaker's Appointments

Rep. J. Paul Tyndall, Cochair
414 Woodhaven Drive
Jacksonville, NC 28540
(919) 346-8812

Rep. George W. Brannan
Route 4, Box 134
Smithfield, NC 27577
(919) 934-8877

Rep. John W. Brown
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Elkin, NC 28621
(919) 835-2373

Rep. Foyle Hightower, Jr.
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Wadesboro, NC 28170
(704) 694-2515

Rep. John L. Tart
Route 1, Box 125 A
Goldsboro, NC 27530
(919) 934-0200

APPENDIX D

LRC COMMITTEE ON HUNTER'S SAFETY/WILDLIFE

MAILING LIST

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Wildlife Resources Commission
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733 3391

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N.C. Wildlife Federation
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Mr. Rick Dunn
National Rifle Association
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Area 5 Field Representative
National Rifle Association
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Mrs. Donald Endera
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Raleigh, N.C. 28540

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N.C. Agricultural Extension Serv.
2406 Williams Hall Box 7620
N.C. State University
Raleigh, NC 27695 7620
(919) 737 2246

APPENDIX E

RELEVANT SECTIONS OF THE N.C. GENERAL STATUTES

§ 113-270.2. Hunting licenses.

(a) Except as otherwise specifically provided by law, no one may take wild animals or wild birds without having first procured a current and valid hunting license.

(b) Except when indicated otherwise, all hunting licenses are annual licenses beginning July 1 each year running until the following June 30.

(c) The hunting licenses issued by the Wildlife Resources Commission are as follows:

(1) Resident sportsman combination license -- \$40.00. This license is valid only for use by an individual resident of the State.

(1a) Lifetime sportsman combination licenses. These licenses are valid only for use by individual holders and are of the following types depending on the holders' ages on the dates of issue:

a. Type I available only to an individual under one year of age -- \$200.00.

b. Type Y available only to an individual under 12 years of age -- \$350.00.

c. Type A available to a resident individual of any age -- \$500.00.

d. Type N available to a nonresident individual of any age -- \$1,000.

(2) Resident combination hunting fishing license -- \$20.00. This license is valid only for use by an individual resident of the State.

(3) Resident State hunting license -- \$15.00. This license is valid only for use by an individual resident of the State.

(3a) Lifetime resident comprehensive hunting license -- \$250.00. This license is valid only for use by an individual resident of the State.

(4) Resident county hunting license -- \$10.00. This license is valid for use by an individual resident of the State within the county in which he resides.

(5) Controlled shooting preserve hunting license -- \$15.00. This license is valid only for use by an individual hunting in special controlled shooting preserves licensed in accordance with this Subchapter.

(6) Nonresident sportsman combination license -- \$130.00. This license is valid for use by an individual within the State.

(7) Repealed by Session Laws 1987, c. 156, s. 1.

(8) Nonresident six day hunting license -- \$40.00. This license is valid only for use on six consecutive hunting days by an individual within the State. Consecutive hunting days do not include Sundays except on military reservations where Sunday hunting is permitted.

(8a) Resident comprehensive hunting license -- \$30.00. This license is valid only for use by an individual resident of the State.

(8b) Nonresident comprehensive hunting license -- \$80.00. This license is valid for use by an individual within the State.

(9) Disabled veteran lifetime combination hunting fishing license -- \$7.50. This license is valid only for use by an individual resident of the State who is a fifty percent (50%) or more disabled war veteran as determined by the Veterans Administration. The license is valid for the life of the individual so long as he remains fifty percent (50%) or more disabled.

(10) [Reserved.]

(11) Age 70 lifetime combination hunting fishing license -- \$10.00. This license is valid only for use by an individual resident of the State who has attained the age of 70 years. The license is valid for the life of the individual.

(12) Totally disabled resident combination hunting fishing license -- \$7.50. This license is valid only for use by an individual resident of the State who is totally disabled (physically incapable of being gainfully employed). This license is valid for the life of the individual so long as he remains totally disabled.

(d) One dollar (\$1.00) of the proceeds received from the sale of each nonresident sportsman combination license, each nonresident comprehensive hunting license, and each nonresident six day hunting license must be set aside by the Wildlife Resources Commission and contributed to a proper agency or agencies in the United States for expenditure in Canada for the propagation, management, and control of migratory waterfowl.

§ 113-270.2A. Voluntary contribution to hunters safety education program.

(a) A person applying for a hunting license may make a voluntary contribution of fifty cents (50¢) to the Wildlife Resources Commission for the purpose of funding a hunter safety education program.

(b) The Wildlife Resources Commission shall devise administrative procedure for the collection of all contributions donated pursuant to the provisions of this act and shall collect and use the contributions to fund and provide for a hunter safety education program.

§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow inspection by inspectors and protectors.

(a) Inspectors and protectors are granted the powers of peace officers anywhere in this State, and beyond its boundaries to the extent provided by law, in enforcing all matters within their respective subject matter jurisdiction as set out in this section.

(b) The jurisdiction of inspectors extends to all matters within the jurisdiction of the Department set out in this Subchapter, Part 5A of Article 7 of Chapter 143B of the General Statutes, Article 5 of Chapter 76 of the General Statutes, and Article 2 of Chapter 77 of the General Statutes, and to all other matters within the jurisdiction of the Department which it directs inspectors to enforce. In addition, inspectors have jurisdiction over all offenses involving property of or leased to or managed by the Department in connection with the conservation of marine and estuarine resources.

(c) The jurisdiction of protectors extends to all matters within the jurisdiction of the Wildlife Resources Commission, whether set out in this Chapter, Chapter 75A, Chapter 143, Chapter 143B, or elsewhere. The Wildlife Resources Commission is specifically granted jurisdiction over all aspects of:

(1) Boating and water safety;

(2) Hunting and trapping;

(3) Fishing, exclusive of fishing under the jurisdiction of the Marine Fisheries Commission; and

(4) Activities in woodlands and on inland waters governed by G.S. 113-60.1 to G.S. 113-60.3.

In addition, protectors have jurisdiction over all offenses involving property of or leased by the Wildlife Resources Commission or occurring on wildlife refuges, game lands, or boating and fishing access areas managed by the Wildlife Resources Commission. The authority of protectors over offenses on public hunting grounds is governed by the jurisdiction granted the Commission in G.S. 113-264(c).

(d) Inspectors and protectors are additionally authorized to arrest without warrant under the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or in their presence, and for other offenses evincing a flouting of their authority as enforcement officers or constituting a threat to public peace and order which would tend to subvert the authority of the State if ignored. In particular, they are authorized, subject to the direction of the administrative superiors, to arrest for violations of G.S. 14-223, 14-225, 14-269, and 14-277.

(e) Inspectors and protectors may serve arrest warrants, search warrants, orders for arrest, criminal summonses, subpoenas, and all other process connected with any cases within their subject matter jurisdiction. In the exercise of their law enforcement powers, inspectors are subject to provisions relating to police officers in general set out in Chapter 15, Chapter 15A, and elsewhere.

(f) Inspectors and protectors are authorized to stop temporarily any persons they reasonably believe to be engaging in activity regulated by their respective agencies to determine whether such activity is being conducted within the requirements of the law, including license requirements. If the person stopped is in a motor vehicle being driven at the time and the inspector or protector in question is also in a motor vehicle, the inspector or protector is required to sound a siren or activate a special light, bell,

horn, or exhaust whistle approved for law enforcement vehicles under the provisions of G.S. 20-125(b) or 20-125(c).

(g) Protectors may not temporarily stop or inspect vehicles proceeding along primary highways of the State without clear evidence that someone within the vehicle is or has recently been engaged in an activity regulated by the Wildlife Resources Commission. Inspectors may temporarily stop vehicles, boats, airplanes, and other conveyances upon reasonable grounds to believe that they are transporting taxable seafood products; they are authorized to inspect any seafood products being transported to determine whether they were taken in accordance with law and to require exhibition of any applicable license, tax receipts, permits, bills of lading, or other identification required to accompany such seafood products.

(h), (i) Repealed by Session Laws 1979, c. 830, s. 1.

(j) The refusal of any person to stop in obedience to the directions of an inspector or protector acting under the authority of this section is unlawful. A violation of this subsection is punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), imprisonment not to exceed 30 days, or both.

(k) It is unlawful to refuse to exhibit upon request by any inspector, protector, or other law enforcement officer any item required to be carried by any law or rule as to which inspectors or protectors have enforcement jurisdiction. The items that must be exhibited include boating safety or other equipment or any license, permit, tax receipt, certificate, or identification. It is unlawful to refuse to allow inspectors, protectors, or other law enforcement officers to inspect weapons, equipment, fish, or wildlife that the officer reasonably believes to be possessed incident to an activity regulated by any law or rule as to which inspectors and protectors have enforcement jurisdiction.

(l) Nothing in this section authorizes searches within the curtilage of a dwelling or of the living quarters of a vessel in contravention of constitutional prohibitions against unreasonable searches and seizures.

Trespassing upon "Posted" Property to Hunt, Fish or Trap.

§14-159.6. Trespass for purposes of hunting, etc., without written consent a misdemeanor.

Any person who willfully goes on the land, waters, ponds, or a legally established waterfowl blind of another upon which notices, signs or posters, described in G.S. 14-159.7, prohibiting hunting, fishing or trapping, or upon which "posted" notices have been placed, to hunt, fish or trap without the written consent of the owner or his agent shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or by imprisonment for not more than six months, or by both fine and imprisonment. Provided, further, that no arrests under authority of this section shall be made without the consent of the owner or owners of said land, or their duly authorized agents in the following counties: Halifax, Onslow, Warren.

§14-159.7. Regulations as to posting of property.

The notices, signs or posters described in G.S. 14-159.6 shall measure not less than 120 square inches and shall be conspicuously posted on private lands not more than 200 yards apart close to and along the boundaries. At least one such notice, sign, or poster shall be posted on each side of such land, and one at each corner thereof, provided that said corner can be reasonably ascertained. For the purpose of prohibiting fishing, or the taking of fish by any means, in any stream, lake, or pond, it shall only be necessary that the signs, notices, or posters be posted along the stream or shoreline of a pond or lake at intervals of not more than 200 yards apart.

§14-159.8. Mutilation, etc., of "posted" signs; posting signs without consent of owner or agent.

Any person who shall mutilate, destroy or take down any "posted," "no hunting" or similar notice, sign or poster on the lands, waters, or legally established waterfowl blind of another, or who shall post such sign or poster on the lands, waters or legally established waterfowl blind of another, without the consent of the owner or his agent, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00).

§14-159.9. Entrance on navigable waters, etc., for purpose of fishing, hunting or trapping not prohibited.

Nothing in this Article shall be construed to prohibit the entrance of any person upon navigable waters and the bays and sounds adjoining such waters for the purpose of fishing, hunting or trapping.

§14-159.10. Enforcement of Article by peace officers; wildlife protectors authorized to execute process.

This Article may be enforced by deputy sheriffs and other peace officers with general subject matter jurisdiction. Law enforcement officers of the North Carolina Wildlife Resources Commission may execute process issued by the court for violations of this Article.

§ 14-159.13. Second degree trespass.

(a) **Offense.** A person commits the offense of second degree trespass if, without authorization, he enters or remains on premises of another:

(1) After he has been notified not to enter or remain there by the owner, by a person in charge of the premises, by a lawful occupant, or by another authorized person; or

(2) That are posted, in a manner reasonably likely to come to the attention of intruders, with notice not to enter the premises.

(b) **Classification.** Second degree trespass is a misdemeanor punishable by imprisonment for up to 30 days, a fine up to two hundred dollars (\$200.00), or both.

Regulating Hunting and Fishing on the Registered Property of Another.

§113-281. Definitions.

In addition to the definitions in Article 12 of this Chapter, the following definitions apply in this Article:

- (1) Entry Permit. The permit described in G.S. 113-283.
- (2) Posted Property. Registered property that is posted in substantial compliance with G.S. 113-282(d).
- (3) Registered Property. Property that has been accepted for registration by the Wildlife Resources Commission as provided in G.S. 113-282, and has not been deleted from registration.
- (4) Registrant. A current applicant of record for a tract of registered property.

§113-282. Registration and posting of property.

(a) A person who controls the hunting, fishing, or hunting and fishing rights to a tract of property and wishes to register it under this Article must apply to the Wildlife Resources Commission in accordance with this section.

(b) The registration application must contain:

(1) A statement under oath by the applicant that he has the right to control hunting or fishing, or both, on the tract of property to be registered. If the applicant is not a landholder, he must file a copy of his lease or other document granting him control of hunting, fishing, or hunting and fishing rights on the tract.

(2) Three copies of a description of the tract that will allow law-enforcement officers to determine in the field, and prove in court, whether an individual is within the boundaries of the tract. This description may take the form of a map, plat, aerial photograph showing boundaries, diagram keyed to known landmarks, or any other document or description that graphically demarks the boundaries with sufficient accuracy for use by officers in court and in the field. Any amendment of the boundaries of a registered tract must be accomplished by a new registration application meeting the requirements of this subsection.

(3) An agreement by the applicant to post the tract in accordance with the requirements of this section and to make a continuing effort to maintain posted notices for the tract.

(4) An agreement by the applicant to issue or cause issuance of an entry permit to all individuals to whom he or his authorized agent gives permission to hunt or fish on the tract. The applicant must file the name and signature of any agent authorized by him to issue the entry permit, and a registrant must amend his application to rescind the agent's authority and to substitute or add an authorized agent.

(5) A fee of ten dollars (\$10.00) to cover the administrative costs of processing the registration application.

(c) The Executive Director must examine any submitted application to determine whether the requirements of subsection (b) have been fully met. If he determines that these requirements have been met and if his inquiries of persons with knowledge of the locality of the tract corroborate the truthfulness and accuracy of the information in the application, he must register the tract of property and notify the

registrant of his action. Registration consists of filing the application in a central registry open to the public with an indication whether the property is registered as to hunting, fishing, or both. Upon registration, the Executive Director must send, for the information of protectors and other law enforcement officers, the two duplicate copies of the description of the tract as follows: (i) to the sheriff of the county in which the tract is located, or to the chief of the county police department if such a department is the primary agency enforcing the criminal laws in a county; and (ii) to an appropriate protector stationed in the area where the tract is located. The Executive Director must also furnish officers with copies of the signatures of registrants and their authorized agents and other pertinent information for enforcement of this Article.

(d) A registrant must post his registered property as soon as practicable after receiving notice that the tract was accepted for registration. Posted notices must measure at least 120 square inches; contain the word "POSTED" in letters at least three inches high; state that the property is registered with the Wildlife Resources Commission and that hunting or fishing, or both, are prohibited without an entry permit; and set out the name and address and, if feasible, the telephone number of the person to contact for an entry permit. At least one notice must be conspicuously posted on the registered property not more than 200 yards apart close to and along the boundaries. In any event at least one notice must be placed on each side of the registered property, one at each corner, and one at each point of entry. A point of entry is where a roadway, trail, path, or other way likely to be used by entering sportsmen leads into the tract. If registered property is posted only with respect to fishing, it is sufficient if the notices prohibit fishing without permission, and are posted at intervals of not more than 200 yards along the stream or shoreline and at points of entry likely to be used by fishermen. Notices posted along the boundaries of a tract must face in the direction that they will be most likely seen by persons entering the tract. Notices posted along a stream or shoreline must face in the direction that they will most likely be seen by anyone intending to fish. With respect to any particular hunter or fisherman, or person who has entered to hunt or fish, there is substantial compliance with this subsection, notwithstanding that one or more of the required notices may be absent, illegible, or improperly placed, if any notice is or has been reasonably visible to him while he was within or approaching the registered tract.

(e) If a registrant loses his proprietary interest or his control of the hunting, fishing, or hunting and fishing rights as to which he has registered the property, he must within 20 days notify the Executive Director. If a new person who controls those rights wishes to continue the registration of the tract, he must make application under the terms of subsection (b), except that no copies of the tract's description need be filed if there is no change of boundaries. When the Executive Director receives the notice under this subsection, or otherwise learns that a registrant has lost his proprietary control of the applicable hunting, fishing, or hunting and fishing rights, and there is no pending application to continue registration of the tract, the Executive Director must immediately delete registration of the tract, notify the presently responsible landholder, and require him to remove any remaining posted notices.

(f) A person who controls the hunting, fishing, or hunting and fishing rights to registered property may apply to the Wildlife Resources Commission in writing to delete the registration of the tract. If he is not the registrant, he must satisfy the Executive Director of his present right to control the applicable hunting and fishing rights. If he is the registrant, his statement that he still controls the applicable rights on the tract is sufficient unless the Executive Director has reason to require further

evidence on this point. Upon determination that an application to delete is proper, the Executive Director must immediately delete registration of the tract, notify the presently responsible landholder, and require him to remove any remaining posted notices.

(g) Any law enforcement officer or any employee of the Wildlife Resources Commission who determines that a registrant has failed to keep registered property posted in compliance with subsection (d) must so notify the registrant or his agent. If within a reasonable time after notice the registrant fails to take steps to post or repost the tract, or if without regard to notice a registrant is inexcusably or repeatedly negligent in failing to keep the tract properly posted, the Executive Director must immediately delete registration of the tract, notify the presently responsible landholder, and require him to remove any remaining posted notices.

(h) A landholder's failure to cause the removal of all posted signs within a reasonable time after receipt of notice that the tract has been deleted from registration is a misdemeanor punishable as provided in G.S. 113-135.

§113-283. Entry permits furnished by Wildlife Resources Commission.

(a) Upon registration of property, the Executive Director must furnish the registrant with a reasonable number of standardized permit forms to be carried by individuals given permission to hunt or fish on the registered property. The Executive Director must establish a procedure for resupplying registrants with entry permits for their registered property as needed.

(b) To be valid, the entry permit must be issued and dated within the previous 12 months and signed by the registrant or an authorized agent whose signature is on file with the Wildlife Resources Commission.

§113-284. Affirmative duty of sportsmen to determine if property is registered and posted.

Every individual who enters the property of another to hunt or fish without first having obtained permission from an authorized person in control of hunting and fishing rights or his agent is under a duty to look for posted notices. In the apparent absence of such notices, the individual intending to enter is nevertheless under a duty to determine if practicable whether the property is registered under the terms of this Article.

§113-285. Hunting or fishing on registered property of another without permission.

(a) No one may hunt or fish, or enter to hunt or fish, on the registered and posted property of another without having in possession a valid entry permit issued to him.

(b) No one may hunt or fish, or enter to hunt or fish, on the registered property of another without having in possession a valid entry permit issued to him if he has reason to know the property had been posted.

(c) A violation of this section is a misdemeanor punishable as provided in G.S. 113-135.

§113-286. Removal, destruction, or mutilation of posted notices.

Unauthorized removal, destruction, or mutilation of posted notices on registered property is a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00), imprisonment not to exceed 90 days, or both.

§113-287. General provisions pertaining to enforcement of Article.

(a) If property is registered, the original or a true copy of the application and all supporting items are admissible in evidence. The registrant's affidavit that he has the right to control hunting, fishing, or hunting and fishing on the registered property constitutes prima facie evidence of the facts so asserted. The description filed with the application constitutes prima facie evidence of the boundaries of the registered property.

(b) If an individual hunts or fishes, or enters to hunt or fish, on registered property that is or had been posted, any registrant or his agent, any landholder of that property, and any protector or other law enforcement officer may request that the individual produce a valid entry permit.

(c) In addition to protectors, it is the duty of sheriffs and their deputies, county police officers, and other law enforcement officers with general enforcement jurisdiction to investigate reported violations of this Article and to initiate prosecutions when they determine that violations have occurred.

(d) Any entry permit issued to an individual does not substitute for any required hunting or fishing license.

APPENDIX F

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

D

88-RV-201

THIS IS A DRAFT 29-NOV-88 10:52:26

Short Title: Hunter Safety Education Act

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE FIRST TIME BUYERS OF HUNTING LICENSES TO
3 COMPLETE A HUNTER SAFETY COURSE, AND TO REQUIRE THAT SUCH
4 COURSE BE MADE AVAILABLE IN THE PUBLIC SCHOOLS OF THIS STATE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 113 of the General Statutes is
7 amended by adding a new section 113-270.1A to read as follows:

8 "§113-270.1A. Hunter Safety Course Required.

9 (a) On or after July 1, 1990, a person, regardless of age, may
10 not procure a hunting license or hunt in this State without
11 producing a certificate of competency or a hunting license issued
12 prior to July 1, 1990 or making out an affidavit that he had such
13 a license.

14 (b) The Wildlife Resources Commission shall institute and
15 coordinate a statewide course of instruction in hunter ethics,

1 wildlife laws and regulations, and competency and safety in the
2 handling of firearms, and in so doing, may cooperate with any
3 political subdivision, or with any reputable organization having
4 as one of its objectives the promotion of competency and safety
5 in the handling of firearms, including local rod and gun clubs.

6 (1) The Wildlife Resources Commission shall designate
7 those persons or agencies authorized to give the course of
8 instruction, and this designation shall be valid until revoked by
9 the Commission. Those designated persons shall submit to the
10 Wildlife Resources Commission validated listings naming all
11 persons who have successfully completed the course of
12 instruction.

13 (2) The Wildlife Resources Commission may conduct the
14 course in hunter safety, using Commission personnel or other
15 persons at times and in areas where other competent agencies are
16 unable or unwilling to meet the demand for instruction.

17 (3) The Wildlife Resources Commission shall issue a
18 certificate of competency and safety to each person who
19 successfully completes the course of instruction, and the
20 certificate shall be valid until revoked by the Commission.

21 (4) Any similar certificate issued outside the State by
22 a governmental agency, shall be accepted as complying with the
23 requirements of subsection (a) above, if the privileges are
24 reciprocal for North Carolina residents.

25 (5) The Wildlife Resources Commission shall adopt rules
26 and regulations to provide for the course of instruction and the
27 issuance of the certificates consistent with the purpose of this
28 section.

29 (c) On or after July 1, 1990, any person who obtains a hunting
30 license by presenting a fictitious certificate of competency or
31 who attempts to obtain a certificate of competency or hunting
32 license through fraud shall have his hunting privileges revoked

1 by the Wildlife Resources Commission for a period not to exceed
2 one year.

3 (d) Nothing in this section shall be construed to prohibit the
4 sale of lifetime licenses as provided in G.S. 113-270.2(c)(1a).
5 Pending satisfactory completion of the hunter safety course,
6 persons who possess such licenses may exercise the privileges
7 thereof when accompanied by an adult at least twenty-one years of
8 age who is licensed to hunt in this state. For the purpose of
9 this section, 'accompanied' is defined as being able to take
10 immediate control of the hunting device."

11 Section 2. G.S. 113-270.2 is amended by adding a new
12 subsection (a1) to read as follows:

13 "(a1) Except as provided by G.S. 113-270.1A(d), on or after
14 July 1, 1990, a person, regardless of age, may not procure a
15 hunting license or hunt in this State, without producing a
16 certificate of competency pursuant to G.S. 113-270.1A or a
17 hunting license issued prior to July 1, 1989 or making out an
18 affidavit that he had such a license."

19
20 Section 3. Chapter 115C of the General Statutes is
21 amended by adding a new Article 14A to read as follows:

22 "ARTICLE 14A

23 Hunter Safety Education.

24 §115C-217. Instruction in hunter safety education.

25 There shall be organized and administered under the general
26 supervision of the Superintendent of Public Instruction a program
27 of hunter safety education in the public schools of this State,
28 said courses to be noncredit courses taught by instructors
29 approved by the Department of Public Instruction.

1 §115C-217.1. Boards of Education required to provide courses in
2 hunter safety.

3 The State Board of Education and local boards of education
4 shall provide as a part of the program of the public high schools
5 in this State a course of training and instruction in hunter
6 ethics, wildlife laws and regulations, and competency and safety
7 in the handling of firearms and shall make such courses available
8 for public school students, nonpublic school students and out-of-
9 school youths under 18 years of age. Such course shall be in
10 conformance with the provisions of G.S. 113-270.1A."

11

12 Section 4. This act is effective July 1, 1990.


Analysis of Draft Legislation

Section 1. Effective July 1, 1990 no person may obtain a hunting license in the State of North Carolina unless he has satisfactorily completed a course of instruction in hunter safety education approved by the Wildlife Resources Commission, or has previously been licensed in this State. The course shall be designed by the Wildlife Resources Commission, and with its approval may be offered through local organizations such as hunt clubs and other similar civic groups. In areas where no local organizations are willing or able to offer the course, the Wildlife Resources Commission may offer the course using its own personnel or qualified volunteers as instructors. The Commission shall issue certificates of competency to each student who satisfactorily completes the course. Persons who have completed a similar course of study in another state may show the certification issued by that state to meet the requirement of this Act. Any person who presents a fraudulent certificate and obtains a license is subject to have the license revoked for a maximum of one year. Provision is made to allow for the issuance of the lifetime licenses under the current scheme. The holder of a lifetime license may hunt while accompanied by a licensed hunter over the age of twenty one until such time as he satisfactorily completes the hunter safety course.

Section 2. The amendment to G.S. 113-270.2 adds the requirement of the hunter safety course to the existing license provisions.

Section 3. Chapter 115C of the General Statutes is amended by adding a new Article 14A which will require the Superintendent of Public Instruction to organize and administer a program of hunter safety education in the public school system, and will require State and local Boards of Education to make the course available to students throughout the State. The course will be a non credit elective, and will conform with the requirements of §113-270.1A.

Section 4. The act will be effective July 1, 1990.

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